

A G E N D A

**THE SIXTH MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2019**

COMMITTEE ROOM #415
CITY HALL

10:00 A.M.

THURSDAY
MAY 23, 2019

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meetings held on April 25 and May 8, 2019.

HEARING OF APPLICATIONS

A05/19 – Doug Tarry Limited – 300 Manor Road Pages 2-8

Planning Report - A05/19 Pages 9-10

UNFINISHED BUSINESS

B05-18 – Amendment – 389-393 Talbot Street Pages 11-13

NEW BUSINESS

Next Meeting

June 27, 2019

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

April 24th, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on April 23rd, 2019 with Planning staff and the applicant.

An application for a minor variance, regarding 300 Manor Road, was filed on April 24th, 2019 and the required fee under Section 69 of the Planning Act has been provided.

Please contact the Planning & Building Services Department if you have any questions.

Regards,



Patrick J. C. Keenan
Director of Planning & Building Services



CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE:	Date Application Received: <u>APR 24 2019</u>	Consultation Date: <u>April 26/19</u>
	Date Application Deemed Complete: _____	

Application #: A05/19

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 631-1680 ext 4125 Fax: 519) 633-9019
 Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. Name of Owner(s) Doug. Tarry Limited
 Address 358 Elm Street

Postal Code N5R1K1 Tel: (519) 631-9300 e-mail: _____

2. Name of Authorized Agent (if any) Nicole Combs
 Address _____

Postal Code _____ Tel: ext. 22 e-mail: nicole.combs@douglatarryhomes.com

Note: Please specify to whom all communications should be sent: Owner Agent

3. Nature and extent of relief from the Zoning By-law applied for:

- ① Parking space relief: 65 spaces provided; 67 req'd
- ② Balcony encroachment into front & exterior setbacks by
- ③ ~~Garbage enclosure within rear yard setback 1.0m~~

N.O.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:

- ① 4% accessible spaces req'd; 8% provided for target market.
- ② Enhanced street presence
- ③ Larger amenity space for residents
- ④ construction/maintenance, rental efficiencies

5. Location of Land: Concession No. -lot(s) Registered Plan No. 67 Lot(s) _____

B1K 9, 11

Reference Plan No. 11R-6891, 11R-7185^{Part(s)}, P1.1, P1.1, P1.1

Geographic/Former Township of Yarmouth

Name of Street Manor Road Street No. 300

6. Dimensions of land affected:

Frontage 62.2m Depth 10m

Area 7008.8m² Width of Street Wellington 25.212m ROW

Manor 26.213m R.O.W

7. Access to the subject land is by:

- a Regional Road
- a Municipal road that is maintained all year
- a Municipal road that is maintained seasonally
- a private road

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

existing asphalt parking (to be removal)
no buildings - vacant lot

USE _____

Proposed:

See attached plan

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

none

Proposed:

See attached site plan.

USE _____

10. Date of acquisition of subject land: Mid Erie to DTL 2009 (when business changed name)

11. Date of construction of all buildings and structures on subject land: none

12. Existing uses of the subject land: vacant.
residential - south, north, east
(uninstitutional (church) west)

13. Existing uses of abutting lands:
North: _____ East: _____
South: _____ West: _____

14. Length of time the existing uses of the subject land have continued:
20+ years

15. Services available (check appropriate space or spaces):
Water:
 Municipally owned and operated piped water system Other (Specify) _____
Sewage Disposal:
 Municipally owned and operated sanitary sewer system Other (Specify) _____
Storm Drainage
 Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:
Residential

17. Present Zoning of the subject land:
R5-40

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?
yes () no ()
If the answer is yes, describe briefly (and if known, quote Application #)

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?
yes () no () If so, state Application # and status _____

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, Nicole Doms, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Nicole Doms of Shedden in the province of Ontario
name of applicant City
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.
Sworn (or declared) before me at the City of St. Thomas on this 24th day of April, 2019.
City Day Month Year


Signature of Owner or Authorized Agent

April 24, 2019
Date


Signature of Commissioner of Oaths, etc.

April 24, 2019
Date

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Shane Tarry, am the owner of the subject lands, and I authorize Nicole Ooms, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

April 23 2019
Date

[Signature]
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

*Please note, Appendix B must be completed by the owner, not the authorized agent.

I, Shane Tarry, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

April 23 2019
Date

[Signature]
Signature of Owner



The Corporation of the City of St. Thomas

Report No.: COA05-2019

Applicant: Doug Tarry Limited

Members of the Committee of Adjustment

Report Date: May 16, 2019
Meeting Date: May 23, 2019

Location: 300 Manor Road, Block 9, 11, Registered Plan 67, Part 1 on Reference Plans 11R-6891, 11R-7185, 11R-7822

Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended

Department: Planning and Building Services Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan

Recommendation:

That: Report COA05-2019 be received.

BACKGROUND:

The applicant is proposing to develop the subject lands with the construction of one three storey apartment building and two four storey apartment buildings, containing a total of 54 residential dwelling units.

MINOR VARIANCES:

- (i) To permit balconies a minimum of 5.76m from a front lot line, whereas a minimum front yard depth of 7.5m is required. (Table 1 to Subsection 9.4, Column Number 4, Item Number 9).
- (ii) To permit balconies a minimum of 4.17m from an exterior side lot line, whereas a minimum exterior side yard depth of 6m is required. (Table 1 to Subsection 9.4, Column Number 4, Item Number 11b).
- (iii) To permit a minimum of 1.21 parking spaces (65 parking spaces) per dwelling unit, whereas a minimum of 1.25 parking spaces (67 parking spaces) per dwelling unit is required. (Table 1 to Subsection 9.4, Column Number 4, Item Number 14).

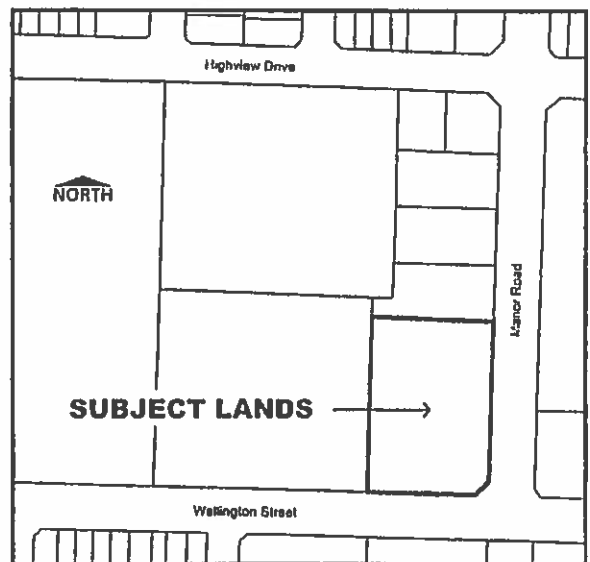
OFFICIAL PLAN:

- The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Residential policies of the Official Plan permit a full range of dwelling types including low, medium and high-density residential uses.

ZONING BY-LAW:

- The subject lands are in the Fifth Residential Zone (R5-40) pursuant to the City of St. Thomas Zoning By-Law No. 50-88.
- Permitted uses of the Fifth Residential Zone (R5) include an apartment dwelling.
- Minimum Lot Area - 930m²
- Minimum Lot Frontage - 30m
- Maximum Main Building Height - 45m
- Maximum Accessory Building Height - 4m
- Maximum Lot Coverage - 40%
- Maximum Number of Dwelling Units - 250 per hectare

Location Plan:



- Maximum Roof Area - 55%
- Minimum Front Yard Depth - 7.5m
- Minimum Rear Yard Depth - 9m
- Minimum Interior Side Yard Depth - 4.5m
- Minimum Exterior Side Yard Depth - 6m
- Minimum Number of Parking Spaces per Dwelling Unit - 1.25 parking spaces per dwelling unit.
- Minimum Dwelling Unit Floor Area - Bachelor 28m², One Bedroom 42m², Two Bedroom 56m² and Three Bedroom 70m².
- The special provisions of the R5-40 zone permit a sales office/showroom with a maximum gross floor area of 140m² within the area affected for a period not to exceed 2 years from the date of approval of Zoning By-Law #39-2015.

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

COMMENTS:

- The General Provisions of the Zoning By-law permit structures that form part of a main building to project into a required yard in residential zones, including such structures as a chimney, fire escape, exterior stair case, bay window, stoop, steps, porch and eaves. A balcony is a structure that forms part of an apartment building and may be considered an appropriate projection into a required front yard and exterior side yard.
- The Provincial Policy Statement (PPS 2014) provides policy on matters of provincial interest related to land use development, including improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society. The proposed reduction in the Zoning By-law's parking requirement is for the purpose of increasing the amount of accessible parking spaces and access isles on the site.
- The proposed development of the site is subject to site plan control review and approval process.
- In Staff's opinion the proposed variances meet the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature, and are desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act.
- Staff recommend that minor variance application COA05-2019 be approved, should the Committee of Adjustment approve minor variance application COA05-2019 staff recommend that the decision reflect that the Committee is permitting:
 - balconies to project up to a maximum of 1.83m into a required front yard and required exterior side yard; and
 - a minimum of 1.21 parking spaces per dwelling unit.

Respectfully submitted,


Steve Craig
Senior Planning Technician



Date: May 14, 2019

Attention: Melanie Knapp – Assistant Secretary – Treasurer
Committee of Adjustment - City of St. Thomas

Re: Consent Application B05/18 - 387-393 Talbot Street

We have been requested to advise the proposed use and area of part 5 as shown on preliminary reference plan 11R-_____. (see accompanying drawings)

In the original application the applicant proposed to sever a lot with frontage of 6.85m (area 188.3 sq.m.) and to retain a lot with frontage of 11.60m (area 428.1 sq.m.) both fronting Talbot Street. The applicant also proposed to create right-of-ways located within the existing buildings for the purpose of shared secondary emergency fire exits.

The plans accompanying the original application detailed the proposed severance and right-of-way limits on the various levels with the site plan also identifying an area at the rear of the buildings comprising 4 parking spots and an access walkway from the parking to the rear entrance

Parts have been created on the preliminary reference plan to define the limits of the severed and retained lands comprised as follows:

Severed Lands – Parts 1 and 2, Retained Lands – Parts 3, 4, and 5

Part 2 comprises the shared emergency fire exits at the front of the building which exits directly onto Talbot street

Part 4 comprises the shared emergency fire exits at the rear of the building plus includes the access walkway from the rear of the building leading to the 4 parking spots at the rear of the property.

Part 5 contains the 4 parking spots and continues the pedestrian access from the access walkway to the rear of the property limits to the adjacent municipally owned parking lot.

It appears that the plans accompanying the original consent application and the subsequent review at the time of the application did not clearly identify that a separate part would be required to deal with the parking/access area at the rear of the building to ensure a continued right-of-way to the adjacent public lands. The intent of the parking area at the rear of the building is that each building would be granted shared parking and access over the entire Part 5 with 2 parking spots being assigned to each building and associated maintenance costs.

Hoping this clarifies, any questions, please contact the undersigned.

Regards,

Scott Mason
Project Manager
MTE OLS

MTE OLS Ltd.

Ontario Land Surveyors
123 St. George Street
London, ON N6A 3A1
Phone: 519-204-6510
Fax: 519-204-6511

www.mte85.com



PLAN 11R-
RECEIVED AND APPROVED
DATE: APRIL 12, 2019
BY: [Signature]
REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND RULES DIVISION OF ELSA (No. 11)

PART	LOT	PLAN	P.L.N.	AREA
7	Part of 2		Part of 38173 - 0042	0.000 sq.m.
8	Part of 2		Part of 38173 - 0042	0.000 sq.m.
9	Part of 2	REGISTERED PLAN No. 37	Part of 38173 - 0042	0.000 sq.m.
8	Part of 2		Part of 38173 - 0042	0.000 sq.m.
9	Part of 2		Part of 38173 - 0042	0.000 sq.m.

PARTS 1 TO 8 INCLUSIVE - COMPREHEND ALL OF P.L.N. 38173 - 0042
PARTS 9 TO 9 INCLUSIVE - SUBJECT TO AN EASEMENT AS IN REG. NO. 4129000

DIAGRAM/SECTION CORRELATION TABLE

PART	DIAGRAM					SECTION				
	1	2	3	4	5	1	2	3	4	5
1	X	X	X	X	X	X	X	X	X	X
2	X	X	X	X	X	X	X	X	X	X
3	X	X	X	X	X	X	X	X	X	X
4	X	X	X	X	X	X	X	X	X	X
5	X	X	X	X	X	X	X	X	X	X

SECTIONS ARE LOCATED ON SHEET 6

PLAN OF SURVEY
OF PART OF
LOT 2
(NORTH OF TALBOT STREET)
REGISTERED PLAN No. 37
IN THE
CITY OF ST. THOMAS
COUNTY OF ELGIN

MTE OLS LTD.
ONTARIO LAND SURVEYORS
SCALE 1:100

METRIC:
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
ANGLES SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.7639.

- LEGEND**
- D DENOTES PLANNED MONUMENT
 - SB DENOTES SQUARE MONUMENT
 - SSB DENOTES SHORT DIMENSION IRON BAR
 - B DENOTES IRON BAR
 - BB DENOTES ROUND IRON BAR
 - CC DENOTES CUP CROSS
 - CM DENOTES CONCRETE MONUMENT
 - CP DENOTES CONCRETE PIPES
 - ME DENOTES METE OLS LTD.
 - RP DENOTES REGISTERED PLAN
 - P1 DENOTES PLAN 8-1263
 - P2 DENOTES PLAN 11R-0000
 - P3 DENOTES BUILDING LOCATION SURVEY BY HOLSTAD & REDMOND LIMITED, O.L.S.'S, DATED MAY 8, 1997, (FILE NO. 87-0170)
 - X DENOTES SEE SECTION 2-3
 - (NA) DENOTES NO METRON LAUNCHERS
 - (NA2) DENOTES NO UPPER LAUNCHERS
 - (NA3) DENOTES NO LOWER LAUNCHERS
 - LA DENOTES UPPER LAUNCHER
 - LL DENOTES LOWER LAUNCHER
 - CA DENOTES CHANGE IN HORIZONTAL LAUNCHER
 - EL DENOTES ELEVATION IN METRES

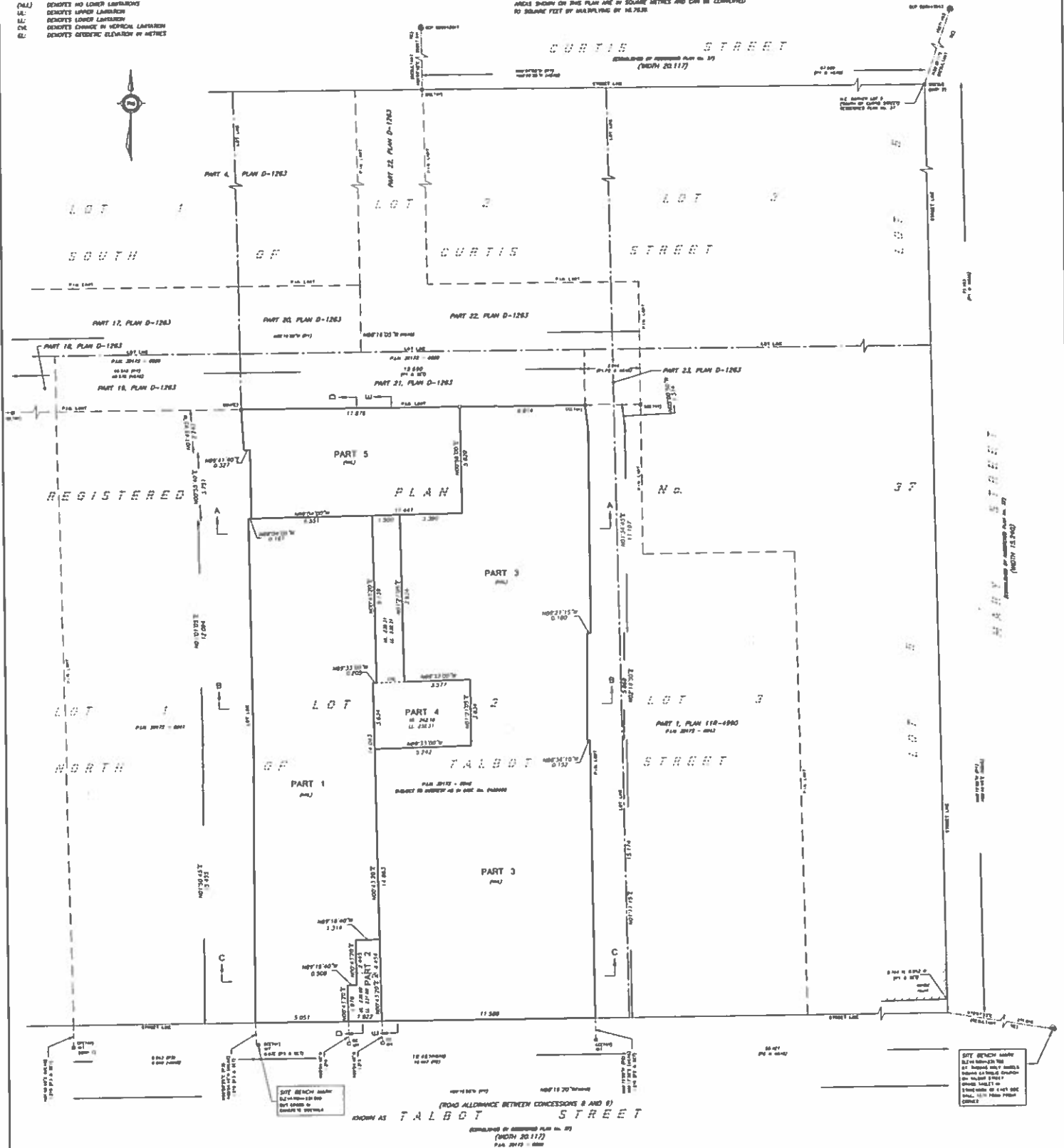


DIAGRAM 1 - SHOWING CONFIGURATION OF PART LIMITS AT ELEVATION 233.00 METRES (Ground Floor)

NOTES:
BEARINGS AND UTM GRID IN METRES (EPOCH) DERIVED FROM S.P.S. COORDINATES AND THE CAN-MET BASE DATUM NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17

COORDINATE REFERENCE POINTS (CRP)
UTM ZONE 17, NAD83 (FORWARD) GRID COORDINATES TO 6 DIGIT ACCURACY PER SEC. 11 (2) OF CLAS, 21/6/19

POINT NO.	NORTHING	EASTING
CRP 1	4726202.754	683833.829
CRP 2	4726276.890	683832.372

RELATIONSHIP OF DIAGRAMS

DIAGRAM 1	EL-245.0m
DIAGRAM 2	EL-246.0m
DIAGRAM 3	EL-236.0m
DIAGRAM 4	EL-233.0m
DIAGRAM 5	EL-230.0m

SURVEYOR'S CERTIFICATE

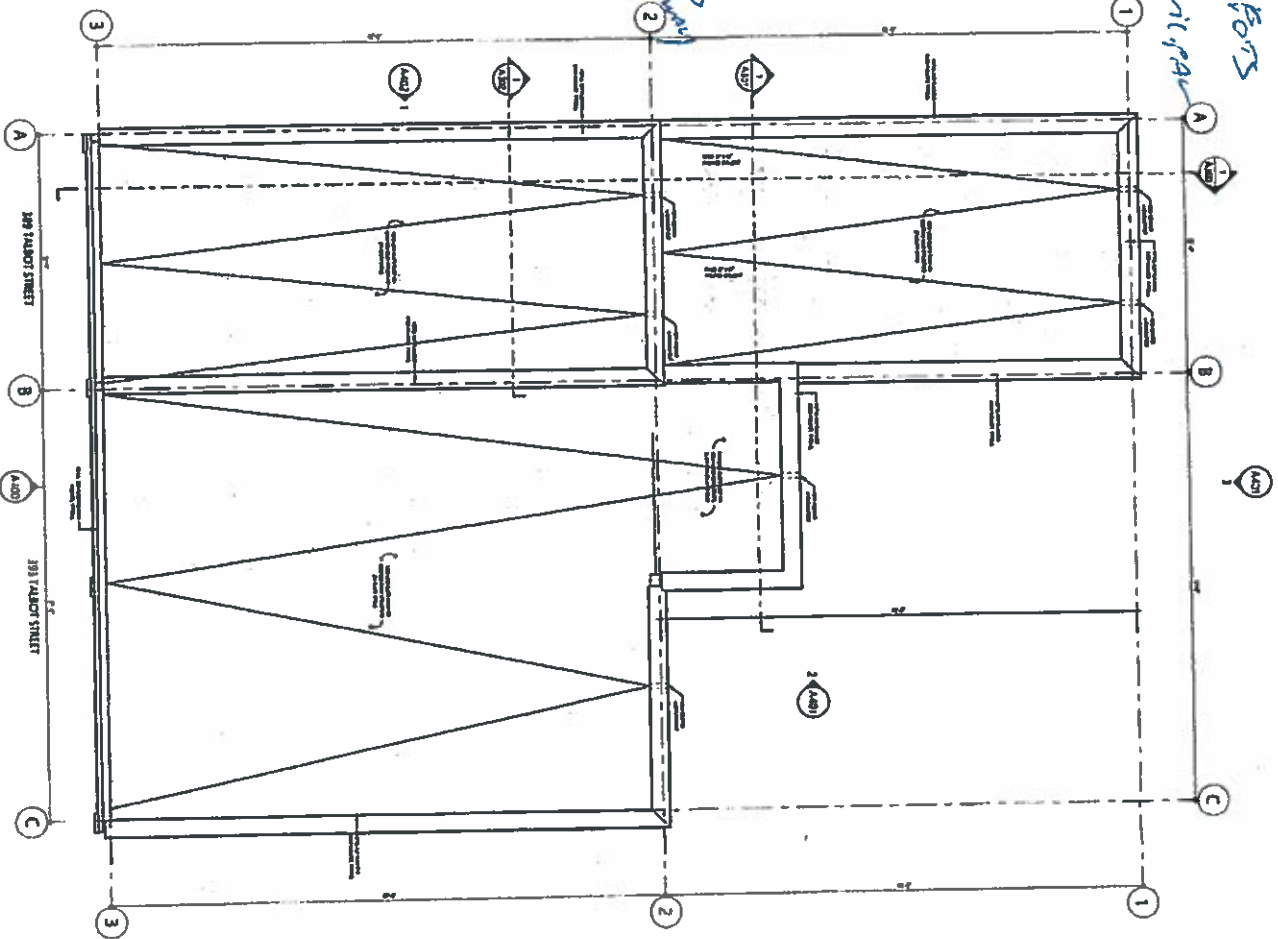
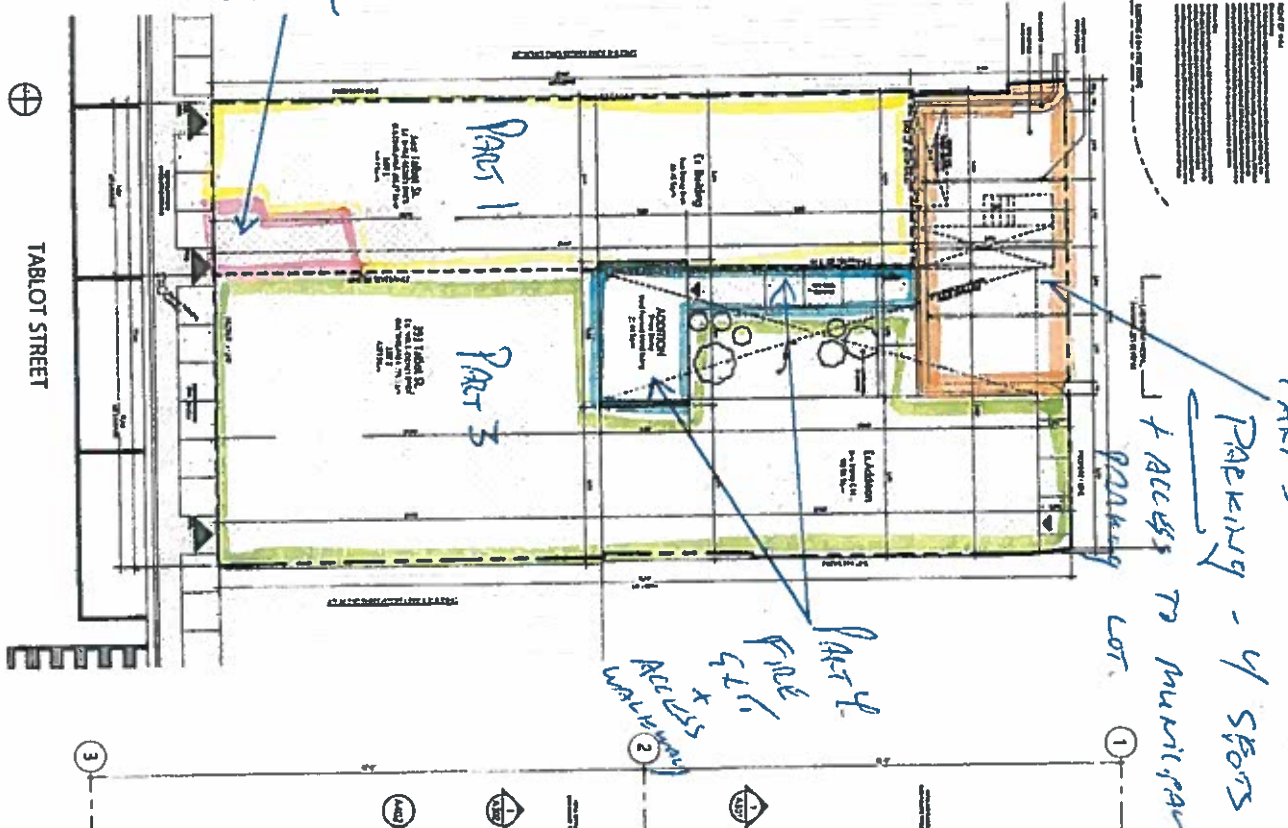
I CERTIFY THAT:
1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER;
2. THE PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND PLAN.

DATE: APRIL 12, 2019
LONDON, ONTARIO

PRELIMINARY

MTE OLS LTD.
ONTARIO LAND SURVEYORS
123 St. George Street
London, Ontario, N6A 3A2
PHONE 519-294-0310 FAX 519-294-0311

Drawn by: [Signature] Checked by: [Signature] Date: April 12, 2019
Scale: 1:100



* PLAN AS SUBMITTED WITH ORIGINAL APPLICATION. HIGH-RISE DECKS ADDED FOR CURVATURE

PROJECT INFORMATION

PROJECT NAME: [Blank]

PROJECT ADDRESS: [Blank]

PROJECT NUMBER: [Blank]

DATE: [Blank]

SCALE: [Blank]

DESIGNER: [Blank]

CLIENT: [Blank]

APPROVED FOR CONSTRUCTION

DATE: [Blank]

BY: [Blank]

PROJECT MANAGER: [Blank]

ARCHITECT: [Blank]

ENGINEER: [Blank]

PLUMBER: [Blank]

ELECTRICIAN: [Blank]

Mechanical: [Blank]

Structural: [Blank]

Foundation: [Blank]

Roofing: [Blank]

Exterior: [Blank]

Interior: [Blank]

Site Work: [Blank]

Other: [Blank]

1. All dimensions are in feet and inches.

2. All dimensions are to the center of the member unless otherwise noted.

3. All dimensions are to the finished surface unless otherwise noted.

4. All dimensions are to the center of the member unless otherwise noted.

5. All dimensions are to the finished surface unless otherwise noted.

6. All dimensions are to the center of the member unless otherwise noted.

7. All dimensions are to the finished surface unless otherwise noted.

8. All dimensions are to the center of the member unless otherwise noted.

9. All dimensions are to the finished surface unless otherwise noted.

10. All dimensions are to the center of the member unless otherwise noted.